

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

* * *

HOBART CORPORATION, et al. ,

Plaintiffs,

vs. CASE NO. 3:13-cv-00115-WHR

THE DAYTON POWER AND

LIGHT COMPANY, et al. ,

Defendants.

* * *

Deposition of HENRY JORDAN, Witness
herein, called by the Plaintiffs for
cross-examination pursuant to the Rules of Civil
Procedure, taken before me, Michelle A. Elam, a
Notary Public in and for the State of Ohio, at the
offices of Sebaly, Shillito + Dyer, 1900 Kettering
Tower, 40 North Main Street, Dayton, Ohio, on
Tuesday, the 17th day of September, 2013, at 9:33
a.m.

* * *

EXAMINATIONS	CONDUCTED	PAGE
BY MR. SILVER:		7
BY MR. HAUGHEY:		46

EXHIBIT	MARKED	PAGE
(Thereupon, Jordan Exhibit Number 1		22
was marked for purposes of		
identification.)		

1 APPEARANCES:

2 On behalf of the Plaintiffs:

3 Langsam Stevens Silver & Hollaender

4 By: Larry Silver
Attorney at Law
5 1818 Market Street, Suite 3400
Philadelphia, Pennsylvania 19103
6 215-732-3255

7 On behalf of the Defendant Cox Media Group
Ohio, Inc. :

8 Faruki Ireland & Cox, P.L.L.

9 By: Jade K. Smarda
10 Attorney at Law
500 Courthouse Plaza, SW
11 10 North Ludlow Street
Dayton, Ohio 45402
12 937-227-3719

13 On behalf of the Defendant Franklin Iron &
14 Metal Corporation:

15 Crehan & Thumann, LLC

16 By: Robert J. Thumann
Attorney at Law
1206 Race Street
17 Cincinnati, Ohio 45202
513-381-5050

18 On behalf of the Defendants Bradford Soap
19 International, Inc., Cargill, Inc., and Hewitt
Soap Works, Inc., Newmark, LLC, and Van Dyne
20 Crotty Company:

21 Van Kley & Walker, LLC

22 By: Jack Allen Van Kley (Telephonically)
Attorney at Law
23 132 Northwoods Boulevard
Suite C-1
24 Columbus, Ohio 43235
614-431-8900
25

1 APPEARANCES: (Cont'd.)

2 On behalf of the Defendant Pharmacia, LLC, a
3 Delaware Limited Liability Company:

4 Krieg DeVault, LLP

5 By: Vicki J. Wright (Telephonically)
6 Attorney at Law
7 One Indiana Square, Suite 2800
8 Indianapolis, Indiana 46204
9 317-238-6372

10 On behalf of the Defendant Sherwin-Williams
11 Company:

12 Gallagher Sharp

13 By: Erik J. Wineland (Telephonically)
14 Attorney at Law
15 420 Madison Avenue, Suite 1250
16 Toledo, Ohio 43604
17 419-241-4863

18 On behalf of the Defendant Waste Management of
19 Ohio, Inc. :

20 Quarles & Brady

21 By: William H. Harbeck (Telephonically)
22 Attorney at Law
23 411 East Wisconsin Avenue
24 Milwaukee, Wisconsin 53202-4497
25 414-277-5000

On behalf of the Defendant Peerless:

Rendigs, Fry, Kiely & Dennis, LLP

By: Jonathan P. Saxton
Attorney at Law
600 Vine Street
Suite 2650
Cincinnati, Ohio 45202
513-381-9288

1 APPEARANCES: (Cont'd.)

2 On behalf of the Defendants Fickert Devco and
3 Dayton Industrial Drum:

4 Coolidge Wall

5 By: Amy N. Blankenship (Telephonically)
6 Attorney at Law
7 33 West First Street
Suite 600
Dayton, Ohio 45402
937-223-8177

8 On behalf of the Defendant, Kimberly Clark
9 Corporation:

10 Foley Lardner LLP

11 By: Sarah A. Slack (Telephonically)
12 Attorney at Law
13 150 East Gilman Street
Suite 5000
Madison, Wisconsin 53703
608-258-4239

14 On behalf of the Defendant P-Americas, LLC:

15 Morgan, Lewis & Bockius

16 By: William B. Nes (Telephonically)
17 Attorney at Law
18 1111 Pennsylvania Avenue, NW
Washington, DC 20004
202-739-5779

19 On behalf of the Defendants Coca-Cola
20 Refreshments, USA, Inc., Flowserve, The
University of Dayton, and Standard Register:

21 Frost Brown Todd LLC

22 By: Stephen N. Haughey
23 Attorney at Law
24 3300 Great American Tower
301 East Fourth Street
Cincinnati, Ohio 45202
513-651-6127

25

1 APPEARANCES: (Cont'd.)

2 ALSO PRESENT:

3 Jennifer Meyer
4 Carolyn Jordan

5 * * *

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 HENRY JORDAN
2 of lawful age, Witness herein, having been first
3 duly cautioned and sworn, as hereinafter
4 certified, was examined and said as follows:

5 CROSS-EXAMINATION

09:33:04 6 BY MR. SILVER:

09:33:04 7 Q. Hello , Mr. Jordan . My name is
09:33:10 8 Larry Silver , and I am an attorney representing
09:33:14 9 three companies that are involved in work at
09:33:18 10 the South Dayton dump and landfill in an
09:33:22 11 agreement with the Environmental Protection
09:33:25 12 Agency to do an environmental cleanup . And we
09:33:31 13 have filed a lawsuit against a lot of other
09:33:34 14 companies in which we are asking that they also
09:33:38 15 assist in paying for the environmental cleanup .
09:33:41 16 So that's what this case is all about .

09:33:46 17 And we are going to ask you some
09:33:48 18 questions about your employment at a couple of
09:33:51 19 companies over the years . And it's going to be
09:33:54 20 a question -and-answer session . So think of it
09:33:58 21 as a conversation where I ask you questions and
09:34:01 22 you answer them to the best of your ability and
09:34:04 23 knowledge . It's not a test . So you don't need
09:34:08 24 to -- you don't need to know the answer . Only
09:34:14 25 give the answers that you know and remember as

09:34:16 1 we go along . We're going to try to make it as
09:34:19 2 conversational as possible and as easy for you
09:34:21 3 as possible .

09:34:23 4 Have you ever had anything like
09:34:25 5 this before , got into a room and --

09:34:28 6 A. No , I have not .

09:34:29 7 Q. Never had that ?

09:34:29 8 A. No.

09:34:32 9 Q. And have you ever testified in
09:34:35 10 court before ?

09:34:35 11 A. No.

09:34:37 12 Q. Okay . So this is your first
09:34:38 13 experience at something like this ?

09:34:40 14 A. Yes , it is .

09:34:40 15 Q. Just a couple of things to keep in
09:34:44 16 mind as we go through . One is when I -- wait
09:34:51 17 until I get to the end of my question before
09:34:53 18 you start to answer . And the reason for that
09:34:56 19 is the court reporter wants to get everything
09:34:59 20 down . So if we're talking -- if I'm
09:35:01 21 questioning at the same time you're answering ,
09:35:05 22 she will get confused even though she's very
09:35:08 23 good at what she does .

09:35:10 24 A. Uh-huh .

09:35:11 25 Q. The next important thing for you

09:35:12 1 to remember is that if you don't understand the
09:35:15 2 question I'm asking , you can ask me to -- or
09:35:19 3 don't hear it, you can ask me to rephrase it or
09:35:22 4 repeat it. Okay? So don't be afraid if you
09:35:26 5 don't understand what I'm asking , I won't be --
09:35:29 6 I won't take it personally . Just let me know
09:35:32 7 and I'll ask it again or try it a different
09:35:35 8 way. Is that all right ?

09:35:36 9 A. Okay .

09:35:36 10 Q. And the other important thing for
09:35:40 11 you to remember is in all of your answers , even
09:35:42 12 if it's a yes or no answer , say it out loud .
09:35:47 13 The court reporter may not see you shaking your
09:35:51 14 head and she's going to want to get it down as
09:35:53 15 a yes or no. So say all your answers out loud .
09:35:56 16 Can you do that ?

09:35:57 17 A. Yeah . Yeah , I think so .

09:35:59 18 Q. Okay . Good . You're doing well .

09:36:05 19 Other lawyers may ask you questions when I'm
09:36:08 20 done in the room . I don't expect that there
09:36:09 21 will be a lot of lawyers that ask you
09:36:12 22 questions , but one or two others may have a few
09:36:15 23 questions for you .

09:36:16 24 A. Uh-huh .

09:36:16 25 Q. And finally , if you need a break

09:36:18 1 at any time , just signal and we can take a
09:36:23 2 break if you're getting tired or for any other
09:36:27 3 reason . Would you like a break now ?

09:36:30 4 A. No. I'm okay .

09:36:30 5 Q. Okay . We're going to get started .
09:36:36 6 Thanks .

09:36:36 7 Can you state your full name ?

09:36:38 8 A. Henry Jordan .

09:36:39 9 Q. Thank you . And what's your
09:36:42 10 address ?

09:36:43 11 A. 6200 Germantown Pike , Dayton ,
09:36:47 12 Ohio .

09:36:49 13 Q. Thanks . And what is your date of
09:36:51 14 birth ?

09:36:52 15 A. 1-21-31 .

09:36:55 16 Q. And where were you born ?

09:37:03 17 A. Where I was born ?

09:37:06 18 Q. Yes.

09:37:06 19 A. January the 21st , 1931 .

09:37:08 20 Q. And what -- what state were you
09:37:11 21 born ?

09:37:11 22 A. Mississippi .

09:37:12 23 Q. What town in Mississippi ?

09:37:14 24 A. What time was it ?

09:37:17 25 Q. What town , what city ?

09:37:18 1 A. Oh, Sharkey County.

09:37:19 2 Q. That's the county ?

09:37:20 3 A. Yeah .

09:37:21 4 Q. Shacka ?

09:37:25 5 MS. JORDAN: Sharkey .

09:37:25 6 Q. Did you at some point in your life
09:37:33 7 move to Ohio ?

09:37:34 8 A. I didn't understand that .

09:37:35 9 Q. Did you move to Ohio at some time
09:37:37 10 after you were born ?

09:37:39 11 A. Yes . I was -- I came here in
09:37:45 12 1953 .

09:37:46 13 Q. And what brought you to Ohio ?

09:37:52 14 A. A job .

09:37:53 15 Q. Okay . And what town did you come
09:38:03 16 to? What city in Ohio did you come to?

09:38:06 17 A. Dayton , Ohio .

09:38:08 18 Q. What job did you come to work at?

09:38:11 19 A. I came to work at GH&R Foundry.

09:38:16 20 Q. What foundry ?

09:38:17 21 A. The GH&R Foundry .

09:38:20 22 Q. And how long did you work for the
09:38:22 23 GH&R Foundry ?

09:38:24 24 A. Possibly about two months .

09:38:34 25 Q. Just two months . What did you do

09:38:36 1 for them ?

09:38:36 2 A. I was on the shake -out .

09:38:41 3 Q. Say that again ?

09:38:42 4 A. The shake -out .

09:38:44 5 Q. The shake -out .

09:38:45 6 A. Yeah .

09:38:45 7 Q. What is the shake -out ?

09:38:47 8 A. Well , the shake -out is stuff roll
09:38:50 9 out on the belt and you take it -- take it off
09:38:54 10 the belt .

09:38:55 11 Q. Take it off the belt ?

09:38:56 12 A. Uh-huh .

09:38:57 13 Q. And what kind of stuff was rolling
09:38:59 14 along the belt ?

09:39:01 15 A. Wheel cylinders .

09:39:04 16 Q. Wheel cylinders ?

09:39:06 17 A. Yeah , similar like your brakes .

09:39:09 18 Q. You take them off the belt --

09:39:12 19 A. And put them in the tub as fast as
09:39:14 20 I could .

09:39:15 21 Q. As fast as you could .

09:39:16 22 A. Yeah .

09:39:16 23 Q. It reminds me of the I Love Lucy

09:39:20 24 TV show . All right . And you worked there for
09:39:24 25 two months ?

09:39:24 1 A. Yeah . I got laid off and worked
09:39:29 2 construction for a while . And I wanted a
09:39:34 3 year -round job so I went to Franklin Iron &
09:39:38 4 Metal Company.

09:39:38 5 Q. Okay .

09:39:40 6 A. So I could work year -round because
09:39:42 7 I had a family .

09:39:43 8 Q. How big a family did you have ?

09:39:45 9 A. I had two at the time .

09:39:48 10 Q. Uh-huh .

09:39:50 11 A. Uh-huh .

09:39:50 12 Q. So Franklin Iron & Metal gave you
09:39:53 13 a job ?

09:39:54 14 A. Yes .

09:39:55 15 Q. Okay . And where were they
09:39:59 16 located ?

09:39:59 17 A. On First Street .

09:40:02 18 Q. First Street in Dayton ?

09:40:05 19 A. Yes .

09:40:06 20 Q. Do you know if Franklin Iron & Metal
09:40:08 21 is still there?

09:40:14 22 A. I didn't quite understand you .

09:40:15 23 Q. I'll try again . Thanks for saying
09:40:17 24 that . Do you know if Franklin Iron & Metal is
09:40:20 25 still on First Street in Dayton ?

09:40:22 1 A. I don't know .

09:40:31 2 Q. How long did you work for Franklin
09:40:34 3 Iron & Metal ?

09:40:34 4 A. Oh, geez . I can't pinpoint the
09:40:42 5 exact time .

09:40:42 6 Q. Uh-huh . Well , you don't have to
09:40:46 7 pinpoint the exact time . Give me your best
09:40:49 8 information on that .

09:40:51 9 A. I guess I worked there maybe a
09:40:54 10 year .

09:40:54 11 Q. Just a year ?

09:40:55 12 A. Well -- I can't remember exact
09:41:08 13 time and the years that I worked for Franklin
09:41:11 14 Iron & Metal .

09:41:11 15 Q. Uh-huh . Before you --

09:41:13 16 A. I left there and went to
09:41:16 17 Peerless --

09:41:17 18 Q. Uh-huh .

09:41:18 19 A. -- for better -- for more money .

09:41:23 20 Q. Peerless offered you a better pay ?

09:41:25 21 A. I beg your pardon ?

09:41:26 22 Q. Peerless offered you a better pay ?

09:41:29 23 A. Well , there was already an
09:41:30 24 operator . I went there for more money .

09:41:34 25 Q. For more money . Okay ?

09:41:36 1 A. Yeah .

09:41:37 2 Q. And do you know what year that
09:41:38 3 was ?

09:41:38 4 A. That was in -- I can't remember .
09:41:48 5 But I know I worked there twenty -- about
09:41:55 6 twenty years .

09:41:55 7 Q. Twenty years ?

09:41:58 8 A. Yeah .

09:41:59 9 Q. Did you retire after you worked at
09:42:02 10 Peerless ?

09:42:02 11 A. Yes , I did .

09:42:03 12 Q. And how old were you when you
09:42:05 13 retired ?

09:42:05 14 A. I was supposed to have been
09:42:11 15 fifty -five , but somewhere along the way they
09:42:13 16 made a mistake and I retired at fifty -four
09:42:19 17 years old .

09:42:20 18 Q. At fifty -four years old .

09:42:24 19 A. Yeah .

09:42:24 20 Q. And you told me you were born in
09:42:27 21 1931 ?

09:42:27 22 A. Yes .

09:42:28 23 Q. So I'm going to do some
09:42:30 24 arithmetic , and I'm coming up with in 1985 you
09:42:35 25 retired because you worked at -- you were

09:42:42 1 fifty -four years old when you retired from

09:42:45 2 Peerless . Does that sound right ?

09:42:47 3 THE WITNESS: I retired in 1986 ,
09:42:50 4 wasn't it ?

09:42:53 5 MS. JORDAN: 1986 .

09:42:53 6 Q. All right . That's pretty close to
09:42:56 7 what I was saying . 1986 it is . So twenty
09:42:59 8 years at Peerless you said , right ?

09:43:01 9 A. Yes .

09:43:02 10 Q. And did you start at Peerless --
09:43:04 11 if you retired in '86 , did you start at
09:43:08 12 Peerless in about 1966 ?

09:43:10 13 A. Somewhere along in there , yes .

09:43:12 14 Q. And you started at GH&R in 1953 ,
09:43:16 15 right ?

09:43:16 16 A. Yes .

09:43:18 17 Q. For the two months ?

09:43:19 18 A. About two months . Two or three
09:43:21 19 months .

09:43:21 20 Q. And then you went to Franklin Iron
09:43:29 21 & Metal ?

09:43:29 22 A. See , I got laid off at GH&R .

09:43:32 23 Q. That's right . That's what you
09:43:34 24 said . Then you did some construction ?

09:43:36 25 A. Yes . I worked for V.R. Rolls

09:43:45 1 Corporation.

09:43:45 2 Q. V.R. Rolls , R O L L S?

09:43:47 3 A. Yeah .

09:43:48 4 Q. And what did V.R. Rolls do?

09:43:51 5 A. It was -- poured cement .

09:43:55 6 Q. Poured cement . Okay . How long

09:43:58 7 were you at V.R. Rolls?

09:44:00 8 A. I can't remember how many years I

09:44:07 9 was there . I was there quite a few years .

09:44:09 10 Q. At V.R. Rolls?

09:44:10 11 A. Uh-huh .

09:44:11 12 Q. Then where did you go after that ?

09:44:18 13 A. After that I went to Franklin Iron

09:44:20 14 & Metal Company.

09:44:20 15 Q. Okay . And what did you do for

09:44:24 16 Franklin Iron & Metal Company?

09:44:26 17 A. I was a truck driver .

09:44:27 18 Q. And that was your first and only

09:44:29 19 job for Franklin Iron & Metal ?

09:44:31 20 A. I didn't get it .

09:44:37 21 Q. So when you started with them , you

09:44:39 22 were a truck driver ?

09:44:40 23 A. Yes .

09:44:41 24 Q. When you finished with them , were

09:44:43 25 you still a truck driver ?

09:44:44 1 A. Well , when I finished with them , I
09:44:46 2 worked in the warehouse .

09:44:47 3 Q. In the warehouse . Okay . All
09:44:52 4 right . And what did you do in the warehouse ?

09:44:54 5 A. I run the lift truck .

09:44:56 6 Q. And tell me a little bit about
09:45:01 7 that . Why were you -- what were you lifting
09:45:03 8 with the lift truck ?

09:45:04 9 A. Well , you would take -- load bales
09:45:10 10 of paper in the trailer . You take it and stack
09:45:12 11 it .

09:45:12 12 Q. Bales of paper ?

09:45:14 13 A. Yes .

09:45:14 14 Q. And why was Franklin Iron & Metal
09:45:17 15 loading bales of paper ?

09:45:18 16 A. They had -- they would take to the
09:45:23 17 paper mill .

09:45:23 18 Q. Now , going back to when you were a
09:45:33 19 truck driver for Franklin Iron & Metal , what
09:45:36 20 kind of truck did you drive ?

09:45:38 21 A. Dump trailer .

09:45:39 22 Q. Uh-huh . And what color was it?

09:45:41 23 A. Lord Jesus . The tractor was a pea
09:45:50 24 green , kind of a greenish looking .

09:45:53 25 Q. The tractor was pea green ?

09:45:55 1 A. Yeah .

09:45:55 2 Q. And what about the trailer ?

09:45:57 3 A. It was red . I'm not sure about

09:46:04 4 the trailer , because it was kind of rusted

09:46:07 5 looking . I don't know what color you'd call

09:46:10 6 that .

09:46:10 7 Q. Okay . A rusted look for the

09:46:12 8 trailer ?

09:46:13 9 A. Yeah .

09:46:13 10 Q. And how many tons was the -- was

09:46:16 11 it ?

09:46:16 12 A. How many ton ?

09:46:21 13 Q. How many tons .

09:46:21 14 A. I'm not sure how many ton .

09:46:23 15 Q. Do you have an approximation ?

09:46:26 16 A. Approximately about twenty-seven

09:46:29 17 feet long .

09:46:30 18 Q. Twenty-seven feet long .

09:46:32 19 A. It wasn't a long trailer . It was

09:46:34 20 a short trailer .

09:46:35 21 Q. Okay . And do you have an

09:46:37 22 approximation of the tonnage ?

09:46:39 23 A. No, I don't .

09:46:39 24 Q. And what did you haul in this dump

09:46:47 25 trailer ?

09:46:48 1 A. Well , most -- anything like iron ,
09:46:54 2 paper , or if they had something they wanted to
09:46:57 3 dispose of , they load it and I would take it
09:46:59 4 away .

09:47:00 5 Q. And then they would load it at the
09:47:03 6 FIM facility on First Street ? Where did you
09:47:12 7 pick up ? Where did you pick up your loads
09:47:15 8 from ?

09:47:15 9 A. I pick them up at Franklin Iron &
09:47:19 10 Metal Company and take them to different places
09:47:22 11 where they -- you know , where they route me to.

09:47:26 12 Q. I didn't catch the end of that .
09:47:28 13 Where they --

09:47:29 14 A. Route me to .

09:47:32 15 Q. Where they routed you to ?

09:47:34 16 A. Yeah . They say take this such and
09:47:38 17 such a place . So that's where I would go .

09:47:39 18 Q. Okay . Were there other truck
09:47:42 19 drivers who drove dump trucks for Franklin Iron
09:47:46 20 & Metal at the time ?

09:47:46 21 A. Well , there was other truck
09:47:50 22 drivers there , but they -- they drove straight
09:47:55 23 trucks .

09:47:55 24 Q. Straight trucks . What's a
09:47:57 25 straight truck ?

09:47:58 1 A. That's a regular truck . They
09:48:00 2 didn't dump .

09:48:01 3 Q. I see .

09:48:04 4 A. See , what I call roughly a
09:48:06 5 sixteen - to eighteen -foot bed on them .

09:48:09 6 Q. Okay .

09:48:11 7 A. Uh-huh .

09:48:11 8 Q. Flatbed ?

09:48:12 9 A. Flatbed .

09:48:13 10 Q. So your dump truck , you get routed
09:48:18 11 to different places . Did you ever get routed
09:48:22 12 to a dump on Dryden Road?

09:48:26 13 A. Sometime .

09:48:28 14 Q. And what was that dump called ? Do
09:48:30 15 you remember ?

09:48:31 16 A. I don't know .

09:48:33 17 Q. Have you ever heard of the South
09:48:35 18 Dayton dump ?

09:48:35 19 A. Yes , I heard tale of it .

09:48:42 20 Q. You what ?

09:48:43 21 A. I heard tale of it .

09:48:44 22 Q. Now , where was the dump on Dryden
09:48:47 23 Road that you -- that you drove to?

09:48:49 24 A. It was on River Road .

09:48:55 25 Q. River Road . Was it near Dryden

09:48:59 1 Road ?

09:48:59 2 A. Yeah .

09:48:59 3 Q. Did Dryden Road go by other names
09:49:02 4 in the past ?

09:49:03 5 A. Not to my knowledge .

09:49:10 6 Q. Have you ever heard of Broadway ?

09:49:12 7 A. Broadway , yes .

09:49:13 8 Q. Have you ever heard of Springboro
09:49:16 9 Pike ?

09:49:16 10 A. Yes .

09:49:16 11 Q. If I were to show you a diagram of
09:49:29 12 Dryden Road , would you be able to identify
09:49:31 13 where the dump is that you took the Franklin
09:49:35 14 Iron & Metal dump truck ?

09:49:36 15 A. I would do my best . I'm not sure .

09:49:40 16 Q. All right . Well , let's give it a
09:49:42 17 try . I'll mark this as Jordan Exhibit 1 ,
09:50:42 18 please .

09:50:42 19 (Thereupon, Jordan Exhibit Number 1
09:50:43 20 was marked for purposes of identification.)

09:50:43 21 Q. Take a look at the diagram ,
09:50:45 22 Mr. Jordan . And you'll see that there's a --
09:51:04 23 that Dryden Road is marked on it , I believe .

09:51:08 24 A. That's right here (indicating) .
09:51:11 25 That's Dryden Road .

09:51:18 1 MS. JORDAN: Yes .

09:51:18 2 Q. And do you see where River Road is
09:51:20 3 marked on it?

09:51:20 4 A. Yes .

09:51:21 5 Q. What I'd like you to do is if you
09:51:23 6 can , with the blue pen -- no , let's go with the
09:51:33 7 green that I'm about to hand you , if you can
09:51:35 8 mark the dump where you drove the dump truck
09:51:44 9 for Franklin Iron & Metal on the map and maybe
09:51:47 10 circle it and write in dump , if you can .

09:52:18 11 (Pause in proceedings.)

09:52:19 12 Q. Let me ask you just a quick
09:52:22 13 question . Do you know where the Dayton Power
09:52:23 14 and Light service building was ?

09:52:24 15 A. Yes .

09:52:25 16 Q. Was that in any proximity to the
09:52:27 17 dump ?

09:52:27 18 A. I'm not sure .

09:52:30 19 Q. Okay .

09:52:40 20 A. It's not very clear so I wouldn't
09:52:43 21 be able to really pinpoint it.

09:52:45 22 Q. Uh-huh . Uh-huh . That's okay . If
09:52:49 23 you can't , you can't .

09:52:50 24 A. No .

09:52:50 25 Q. Now , tell me a little bit about

09:52:55 1 the route you took from Franklin Iron & Metal
09:52:57 2 to the dump , if you can remember .

09:53:01 3 A. No , I didn't -- I go down River
09:53:07 4 Road --

09:53:07 5 Q. Uh-huh .

09:53:11 6 A. -- and -- to the dump .

09:53:13 7 Q. Now , when you crossed -- where did
09:53:16 8 you cross the river ?

09:53:17 9 A. Huh ?

09:53:20 10 Q. Did you have to cross the river to
09:53:21 11 go to the dump ?

09:53:22 12 A. Now , see , one side of the river is
09:53:29 13 West River Road and the other side is East
09:53:31 14 River Road .

09:53:31 15 Q. Uh-huh .

09:53:33 16 A. Now , East River Road runs off of
09:53:37 17 Broadway , Springboro Pike , whatever you want to
09:53:42 18 call it .

09:53:42 19 Q. Or off Dryden Road ?

09:53:47 20 A. Yeah .

09:53:50 21 Q. Is that where the dump was ?

09:53:52 22 A. See , Dryden Road , it -- well , East
09:53:59 23 River branched off to the right of Dryden .

09:54:02 24 Q. Sure . Right . Okay . But I'm
09:54:08 25 wondering if the dump was off of Dryden Road .

09:54:11 1 A. Uh-huh .

09:54:12 2 Q. Is that yes or no?

09:54:13 3 A. I beg your pardon ?

09:54:15 4 Q. Was the dump off of Dryden Road ?

09:54:17 5 A. It's been so long , I don't

09:54:26 6 remember was it off Dryden Road . But I do know

09:54:31 7 where that road is if I went there .

09:54:34 8 Q. Okay . So if we took you on a ride

09:54:38 9 down to the dump , you'd be able to point it

09:54:41 10 out ?

09:54:41 11 A. I believe I would , but it's

09:54:45 12 been -- it's been -- see , I've been retired

09:54:48 13 twenty-seven years .

09:54:50 14 Q. Sure .

09:54:51 15 A. That's been quite a while .

09:54:53 16 Q. Yes . Yes . Okay . Well , let me

09:54:57 17 ask you , how often did you drive the Franklin

09:55:06 18 Iron & Metal waste truck to -- to the dump that

09:55:10 19 we've been discussing ? How often ?

09:55:13 20 A. Well , I guess just whenever they

09:55:17 21 got something to dump . Or , you know -- now ,

09:55:23 22 there was other trucks running in there , too .

09:55:26 23 Q. Another truck ?

09:55:27 24 A. I said other trucks .

09:55:28 25 Q. Yes.

09:55:30 1 A. I couldn't pinpoint who they was ,
09:55:35 2 but I knew Franklin Iron & Metal , three other
09:55:42 3 guys , older guys was driving the straight
09:55:45 4 trucks . And they was -- was going back and
09:55:49 5 forth , too .

09:55:50 6 Q. Were they going back and forth to
09:55:52 7 the same dump ?

09:55:53 8 A. Sometime they would .

09:55:56 9 Q. What would they take ?

09:55:57 10 A. I don't know .

09:55:58 11 Q. But you knew what you took , right ?

09:56:02 12 A. I really don't know . They were
09:56:04 13 loaded and they'd tell me to take it to the
09:56:08 14 dump and I'd take it to the dump and I'd just
09:56:11 15 raise the bed and dump it off and go back .

09:56:13 16 Q. And when you entered the dump , did
09:56:21 17 you see anything -- did you see a gate ?

09:56:23 18 A. No , I didn't .

09:56:24 19 Q. Did you see a trailer ?

09:56:25 20 A. I beg your pardon ?

09:56:27 21 Q. Did you see a trailer at the dump ?

09:56:29 22 A. A trailer ?

09:56:30 23 Q. Yeah .

09:56:33 24 A. Sometime I would see other trucks
09:56:35 25 there . But now , who they was , it -- I mean, I

09:56:39 1 didn't pay any attention to them . They
09:56:41 2 wouldn't bother me , and I wouldn't bother them .

09:56:43 3 Q. I understand . Did you meet
09:56:46 4 anybody at the dump who worked there ?

09:56:49 5 A. No, I did not .

09:56:50 6 Q. Did anyone direct you as to where
09:56:52 7 to dump the load ?

09:56:53 8 A. Yes . It would be like -- there
09:57:10 9 would be somebody there and he would direct you
09:57:12 10 where to dump it at because -- and they was --
09:57:17 11 that's what he would do . That was his job . He
09:57:22 12 stayed down there .

09:57:23 13 Q. Do you know the name Grillot?

09:57:25 14 A. Who ?

09:57:27 15 Q. Do you know the name Grillot ,
09:57:29 16 G R I L L O T ?

09:57:31 17 A. No, I don't .

09:57:32 18 Q. Do you know the name of anyone who
09:57:36 19 worked at the dump ?

09:57:38 20 A. No. I didn't get acquainted with
09:57:40 21 those guys .

09:57:41 22 Q. Did you know the name of anyone
09:57:44 23 who owned the dump ?

09:57:45 24 A. No, I did not .

09:57:46 25 Q. Did your dump truck ever get

09:58:27 1 loaded with scrap metal ?

09:58:28 2 A. Well , sometime , when you're taking
09:58:34 3 it to the foundry , it would be loaded with
09:58:38 4 dump -- with scrap metal .

09:58:40 5 Q. And this was the foundry at
09:58:45 6 Franklin Iron & Metal ?

09:58:47 7 A. Yeah . We go to -- refinery like
09:58:53 8 Kuhns Brothers.

09:58:53 9 Q. Which brothers would you go to?

09:58:55 10 A. GH&R .

09:58:57 11 Q. GH&R ?

09:58:58 12 A. Kuhns Brothers and like that .

09:59:02 13 Q. And why would you go to those
09:59:06 14 foundries ?

09:59:06 15 A. We take a load of iron , scrap
09:59:12 16 iron , you know , it would be cut a certain
09:59:15 17 length . And that's why I would go there .

09:59:19 18 Q. Would you pick up the scrap iron
09:59:22 19 from the foundries or drop them off or what ?

09:59:24 20 A. No, you would pick it up at
09:59:26 21 Franklin Iron & Metal and take it to the
09:59:29 22 foundry .

09:59:30 23 Q. And did you pick up anything at
09:59:33 24 the foundries when you were there?

09:59:35 25 A. No .

09:59:35 1 Q. And what about scrap metal , did
09:59:43 2 that ever go to the dump in your truck ?

09:59:48 3 A. Well , I never looked to see what
09:59:52 4 was there . All I did , they would tell you
09:59:56 5 where to go , and that's where you'd go .

09:59:59 6 Q. Now , when they told you to go to
10:00:01 7 the dump , what -- what did they say ?

10:00:06 8 A. This load go to the dump .

10:00:09 9 Q. And did they tell you which dump
10:00:11 10 to send it to ?

10:00:14 11 A. River Road dump .

10:00:19 12 Q. And was it always the same dump
10:00:21 13 that you went to when you took your dump truck
10:00:25 14 to the dump ?

10:00:26 15 A. Yes .

10:00:26 16 Q. And I'm still a little confused as
10:00:30 17 to exactly where the dump was . Where the
10:00:36 18 entrance to the dump was ? Was the entrance to
10:00:39 19 the dump off of Dryden Road ?

10:00:44 20 MR. THUMANN: Objection . Form .

10:00:46 21 THE WITNESS: If I can remember
10:00:48 22 straight , correct , it was off River Road . If I
10:00:52 23 can remember correct .

10:00:53 24 Q. Do you remember any other
10:01:07 25 landmarks or buildings near the dump ?

10:01:07 1 A. No.

10:01:11 2 Q. Was there a -- do you know if
10:01:12 3 there was a bar near the dump?

10:01:17 4 A. I didn't quite understand that.

10:01:21 5 Q. Do you know if there was like a
10:01:24 6 tavern or a bar near the dump?

10:01:26 7 A. I didn't know, sir.

10:01:28 8 Q. Do you know whether Dayton Power
10:01:38 9 and Light -- a Dayton Power and Light building
10:01:43 10 was near the dump?

10:01:44 11 A. I really didn't know it because I
10:01:47 12 was -- all I was interested in was going to the
10:01:49 13 dump and dump it off and go back.

10:01:51 14 Q. And when you came back, what road
10:02:00 15 did you take?

10:02:00 16 A. Huh?

10:02:02 17 Q. Do you remember what road you took
10:02:05 18 to come back to Franklin Iron & Metal?

10:02:07 19 A. I'd come back up -- hit Dryden.

10:02:11 20 Q. Hit Dryden.

10:02:14 21 A. Yeah. And take that into -- and
10:02:16 22 pick up Broadway and that --

10:02:23 23 Q. So you'd go up from River Road to
10:02:25 24 Dryden to Broadway?

10:02:26 25 A. Yeah.

10:02:27 1 Q. That's right ?

10:02:29 2 A. Yeah .

10:02:29 3 Q. And where would you go after

10:02:31 4 Broadway ?

10:02:32 5 A. After Broadway , I would come up

10:02:36 6 Broadway and most time I would turn on -- I'm

10:02:46 7 not sure .

10:02:47 8 Q. You're not sure where you went

10:02:54 9 after Broadway .

10:02:55 10 A. After Broadway , I would come on

10:03:04 11 up. Sometime I would hit Nicholas Road and

10:03:09 12 take that right across and -- by Carillon bell

10:03:14 13 and pick up 25 or Dixie . And I would take

10:03:18 14 Dixie up to when I get to First Street .

10:03:21 15 Q. Okay . Now , the other question I

10:03:24 16 want to ask you , Mr. Jordan , is you seem to --

10:03:28 17 you act like you weren't certain how long it

10:03:31 18 was -- we talked about you working at GH&R for

10:03:34 19 a couple months , then V. R. Rolls for a period

10:03:41 20 of time , and then you went over to Franklin

10:03:47 21 Iron & Metal.

10:03:47 22 A. Yes .

10:03:48 23 Q. And then after Franklin Iron &

10:03:51 24 Metal , you worked for Peerless ?

10:03:53 25 A. That's correct .

10:03:54 1 Q. And I was a little confused as to
10:03:56 2 how long a period of time you worked at
10:03:58 3 Franklin Iron & Metal .

10:04:00 4 A. I'm not sure how many years I
10:04:04 5 worked there .

10:04:04 6 Q. Uh-huh . Could it have been more
10:04:09 7 than ten ?

10:04:09 8 A. I'm not sure .

10:04:11 9 Q. If you had to give your best
10:04:19 10 approximation of how many years you worked
10:04:21 11 there , what would it be ?

10:04:22 12 A. About eight to ten years . I'm not
10:04:28 13 sure now about that .

10:04:29 14 Q. And then after Franklin Iron &
10:04:37 15 Metal , Peer less , right ?

10:04:38 16 A. Yes .

10:04:39 17 Q. What did you do for Peerless ?

10:04:40 18 A. I was a driver , truck driver .

10:04:45 19 Q. Uh-huh . What kind of truck ?

10:04:47 20 A. I drove an eighteen -wheeler .

10:04:57 21 Q. And what did you -- what did
10:04:59 22 you -- what was put into the eighteen -wheeler ?

10:05:01 23 A. Well , we would haul freight .

10:05:07 24 Q. And was it an enclosed truck or
10:05:10 25 open flatbed ?

10:05:11 1 A. Enclosed van . Enclosed bed ,
10:05:21 2 trailer .

10:05:21 3 Q. Uh-huh .

10:05:25 4 A. The most we would haul would be
10:05:27 5 like food or paper , paper towels , and stuff
10:05:40 6 like that .

10:05:40 7 Q. Uh-huh .

10:05:44 8 A. That's it .

10:05:44 9 Q. Where were you based ? Where was
10:05:51 10 your home base for Peerless ?

10:05:53 11 A. At Peerless ? It was on Perry
10:05:56 12 Street .

10:05:56 13 Q. What street ?

10:05:59 14 A. Perry .

10:06:00 15 Q. And you drove the truck out of
10:06:02 16 that location ?

10:06:02 17 A. Yes .

10:06:03 18 Q. Did you ever drive any waste for
10:06:09 19 Peerless ?

10:06:09 20 A. No .

10:06:10 21 Q. Do you know if Peerless hauled
10:06:12 22 waste ?

10:06:12 23 A. I don't know . To my knowledge ,
10:06:23 24 they not hauling no waste .

10:06:25 25 Q. You don't know whether they did or

10:06:27 1 not ?

10:06:27 2 A. Well , no , not to my knowledge .

10:06:29 3 Q. You never hauled waste for

10:06:30 4 Peerless ?

10:06:31 5 A. No, I didn't .

10:06:32 6 Q. Did Peerless have a dispatcher for

10:06:35 7 the -- for the drivers , someone who said --

10:06:39 8 A. Yes , they did .

10:06:40 9 Q. -- pick this up , send this

10:06:43 10 somewhere ? They did ?

10:06:44 11 A. Yes .

10:06:44 12 Q. Do you remember the name of the
10:06:46 13 dispatcher or a -- one of the dispatch ers ?

10:06:52 14 A. Jack King.

10:06:54 15 Q. Was he your dispatcher ?

10:06:55 16 A. Huh ?

10:06:57 17 Q. Was he the one who instructed you
10:06:59 18 as to where -- where to go with the truck ?

10:07:05 19 A. No. He was a dispatcher . He told
10:07:10 20 us where we were supposed to go .

10:07:11 21 Q. Is Jack King still alive ?

10:07:13 22 A. I beg your pardon ?

10:07:15 23 Q. Do you know if Jack King is still
10:07:17 24 alive ?

10:07:18 25 A. I was told he had passed away .

10:07:21 1 Now , I was told that . I'm not for sure .

10:07:24 2 Q. I understand . Anyone else that
10:07:28 3 worked as the dispatcher for Peerless ?

10:07:30 4 A. Well , before Jack King , when I
10:07:34 5 first went there , it was Earl Kettering .

10:07:39 6 Q. Earl?

10:07:40 7 A. Earl Kettering was dispatcher
10:07:42 8 before Jack King.

10:07:45 9 Q. Can you try spelling his last name
10:07:48 10 for me ?

10:07:49 11 A. Earl Kettering .

10:07:50 12 Q. Now , any other drivers ? Do you
10:07:58 13 remember any other drivers for Peerless ?

10:08:00 14 A. There was quite a few of them . I
10:08:04 15 couldn't -- I don't know how many there was .

10:08:07 16 Q. More than ten ?

10:08:08 17 A. Oh , yeah , more than ten .

10:08:11 18 Q. Uh-huh . Do you remember any
10:08:14 19 names ?

10:08:15 20 A. Their names ?

10:08:18 21 Q. Yeah . Do you remember the names
10:08:19 22 of any of the other drivers ?

10:08:21 23 A. For Peerless ?

10:08:24 24 Q. Yes .

10:08:24 25 A. Yeah , I can remember some of them .

10:08:26 1 Q. Okay . I'm going to write them
10:08:33 2 down if you remember them .

10:08:34 3 A. Tom Fox . Jake Stovell . I'm
10:08:46 4 trying to think . I'm trying to think of the
10:08:50 5 ones I don't know the whole name . Ben Popp .

10:08:59 6 Q. Puck ?

10:09:04 7 A. Popp .

10:09:06 8 Q. Like P O P P or --

10:09:08 9 A. Yeah . And -- I know a lot of them
10:09:20 10 by their first name , but I don't know their
10:09:23 11 whole name .

10:09:25 12 Q. Of the three you mentioned , Fox ,
10:09:29 13 Stovell , and Popp , do you know if any of them
10:09:30 14 are still alive ?

10:09:32 15 A. No. I -- I don't have no
10:09:36 16 connection with them . I don't know .

10:09:37 17 Q. Do you have any connection with
10:09:40 18 anyone that you worked with at Peerless ?

10:09:42 19 A. Not really .

10:09:45 20 Q. And what about for Franklin Iron &
10:09:50 21 Metal ?

10:09:51 22 A. No. I -- I don't have -- I don't
10:09:56 23 know who alive or who not .

10:09:57 24 Q. I understand . Do you remember any
10:09:59 25 other names of people you worked with at

10:10:05 1 Franklin Iron & Metal?

10:10:05 2 A. Do I know the name ?

10:10:07 3 Q. Other names . Yeah .

10:10:09 4 A. Well , now , Willie Werks, I know he
10:10:13 5 passed away . And some guy by the name of

10:10:19 6 Harvey . I don't know his last name . And

10:10:23 7 Leroy .

10:10:25 8 Q. You don't know his last name ?

10:10:27 9 A. No , I don't know a last name . And
10:10:30 10 Robert .

10:10:30 11 Q. Do you know who took over driving
10:10:36 12 the waste truck for Franklin Iron & Metal after
10:10:39 13 you moved into the warehouse ?

10:10:43 14 A. No, I don't .

10:10:43 15 Q. Do you know who drove the waste
10:10:47 16 truck before you at Franklin Iron & Metal ?

10:10:50 17 A. No , I -- when I went to Franklin
10:10:55 18 Iron & Metal , I didn't know anybody until I got
10:10:59 19 acquainted with them after I went there .

10:11:00 20 Q. I understand . Okay . Did you ever
10:11:25 21 pick up , when you were working for Franklin
10:11:28 22 Iron & Metal , any scrap metal from the City of
10:11:30 23 Dayton ?

10:11:31 24 A. Not to my knowledge . I didn't .

10:11:33 25 Q. Did you ever hear of a town called

10:11:48 1 Moraine , Ohio ?

10:11:50 2 A. Moraine , Ohio ?

10:11:52 3 Q. Yeah . Do you know the name of the
10:11:54 4 town Moraine , M O R A I N E ?

10:11:57 5 A. I live in Moraine .

10:12:04 6 Q. You live in Moraine . Okay . I
10:12:07 7 didn't know that .

10:12:08 8 A. Well , see, Moraine comes up so far
10:12:12 9 and they took over so many house s out there on
10:12:18 10 Germantown Pike . So that's where I get my mail
10:12:22 11 from is through Moraine .

10:12:23 12 Q. I got you . Do you know whether
10:12:25 13 the dump that you were discussing earlier is in
10:12:27 14 Moraine ?

10:12:33 15 A. No, I'm not sure .

10:12:34 16 Q. Now , when you worked for Franklin
10:12:53 17 Iron & Metal , you mentioned that you drove the
10:12:54 18 dump truck and then you worked at the
10:12:57 19 warehouse .

10:12:57 20 A. Yes .

10:12:57 21 Q. What did -- did you do anything
10:13:01 22 else for Franklin Iron & Metal ?

10:13:04 23 A. No. I started -- I started out
10:13:10 24 there in the yard cutting iron .

10:13:11 25 Q. You started in the yard cutting

10:13:12 1 iron at Franklin Iron & Metal ?

10:13:15 2 A. Yeah , with a torch . If it's too
10:13:20 3 big or too long , you cut it and single it to
10:13:27 4 pieces so the other guy can handle it .

10:13:29 5 Q. And did you then go to driving the
10:13:32 6 dump truck ?

10:13:33 7 A. Yes .

10:13:34 8 Q. And then you worked at the
10:13:36 9 warehouse at the end of your time at Franklin
10:13:39 10 Iron & Metal ?

10:13:39 11 A. Yeah .

10:13:40 12 Q. Now , thinking back to your time at
10:13:42 13 Franklin Iron & Metal , what did you do for
10:13:47 14 most of the time of those three --

10:13:50 15 A. I didn't quite understand .

10:13:59 16 Q. What did you -- how did you --
10:14:02 17 what was your main occupation at Franklin Iron
10:14:05 18 & Metal ?

10:14:05 19 A. My main occupation after I went in
10:14:10 20 the warehouse is drive the lift truck . You
10:14:12 21 always got something to move around or either
10:14:17 22 they put trailers in there , you load some
10:14:20 23 papers in there , like cardboard or -- and they
10:14:23 24 take it to the mill , I guess .

10:14:25 25 Q. Did you -- the part of this I

10:14:28 1 don't understand is, were you driving the truck
10:14:31 2 at the same time you were working at the
10:14:35 3 warehouse on different days or was it you do
10:14:38 4 one thing, then the next, then the next?

10:14:41 5 A. No, I did one thing when I was in
10:14:43 6 the warehouse.

10:14:44 7 Q. And what about -- and that was
10:14:46 8 when you were in the warehouse?

10:14:47 9 A. Uh-huh.

10:14:48 10 Q. And when you were driving the lift
10:14:52 11 truck, is that the only thing you were doing?

10:14:54 12 A. Well, I drove the truck.

10:14:57 13 Q. Say that again.

10:14:58 14 A. I drove the truck.

10:14:59 15 Q. Uh-huh. Do you -- okay. Do you
10:15:23 16 remember a driver for Franklin Iron & Metal
10:15:26 17 named Calvin Bell?

10:15:28 18 A. Yeah.

10:15:29 19 Q. What kind of truck did he drive?

10:15:31 20 A. He drove an eighteen-wheeler.

10:15:34 21 Q. For Franklin?

10:15:38 22 A. For Franklin.

10:15:39 23 Q. Do you know if Calvin Bell is
10:15:42 24 still alive?

10:15:43 25 A. I don't have no knowledge.

10:15:46 1 Q. You couldn't say. What about
10:15:48 2 Louis Turner ?

10:15:49 3 A. Louis Turner . I don't know
10:15:51 4 whether he alive or not .

10:15:53 5 Q. Was he a driver ?

10:15:54 6 A. Yeah .

10:15:55 7 Q. What did he drive ?

10:15:59 8 A. He drove tractor and trailers ,
10:16:02 9 too , eighteen -wheel ers .

10:16:03 10 Q. How about Henry Turner ?

10:16:07 11 A. He worked in the garage .

10:16:09 12 Q. Was he a driver at any point ?

10:16:11 13 A. I don't think he was . No , not to
10:16:14 14 my knowledge .

10:16:14 15 Q. Is he related to Louis ?

10:16:16 16 A. Related to Louis ?

10:16:20 17 Q. Was he related to Louis ?

10:16:22 18 A. No, he was not .

10:16:23 19 Q. What about Morris Gilmore ?

10:16:27 20 A. That was -- he was part of one of
10:16:30 21 the owners . Morris Gilmore .

10:16:32 22 Q. Still alive ?

10:16:33 23 A. Huh ?

10:16:35 24 Q. Do you know if he's still alive ?

10:16:37 25 A. I don't have no knowledge .

10:16:38 1 Q. How about Matt Jones ?

10:16:46 2 A. Matt Jones , I know he passed away .

10:16:48 3 Q. Uh-huh . What did he do ?

10:16:52 4 A. Drove the truck .

10:16:53 5 Q. Which one ?

10:16:54 6 A. Dempster .

10:16:59 7 Q. The dump truck , just like you ?

10:17:01 8 A. Dempster . Now , there's a

10:17:07 9 difference in the Dempster and dump truck .

10:17:11 10 Dempster is pick it up and --

10:17:17 11 Q. And that was called a Dempster ?

10:17:18 12 A. A Dempster .

10:17:20 13 Q. And Matt Jones drove the Dempster ?

10:17:23 14 A. Yes .

10:17:24 15 Q. You never drove the Dempster ?

10:17:26 16 A. No .

10:17:27 17 Q. Do you know what Matt Jones --

10:17:29 18 where Matt Jones took the Dempster ?

10:17:32 19 A. No, I didn't .

10:17:33 20 Q. Do you remember a Betty that

10:17:39 21 worked in the office ?

10:17:40 22 A. Yeah , I knowed her .

10:17:42 23 Q. Do you remember her last name ?

10:17:43 24 A. I don't know .

10:17:44 25 Q. Do you know if she's still alive ?

10:17:47 1 A. No, I don't .

10:17:47 2 Q. Let me try some names for

10:18:03 3 Peerless . How about Carl Schooler ?

10:18:07 4 A. Carl Schoole r, he a very good
10:18:11 5 friend of mine .

10:18:12 6 Q. Still ?

10:18:13 7 A. Yeah .

10:18:13 8 Q. What did he do for Peerless ?

10:18:15 9 A. He -- he drove a truck , too .

10:18:17 10 Q. Uh-huh . What kind of truck ? Same
10:18:20 11 as you ?

10:18:20 12 A. Well , some -- well , we -- we
10:18:27 13 would -- he -- he , more or less , a helper on
10:18:31 14 the trucks .

10:18:31 15 Q. Uh-huh . Did he ever go with you
10:18:35 16 in the truck as a helper ?

10:18:36 17 A. Yes .

10:18:38 18 Q. Do you know where Carl Schooler
10:18:40 19 lives these days ?

10:18:42 20 A. I didn't quite get you .

10:18:46 21 Q. Do you know where Carl Schooler
10:18:49 22 lives now ?

10:18:50 23 A. No, but he -- he still alive ,
10:18:53 24 though . He work for UPS freight now .

10:18:58 25 Q. He's still working ?

10:19:00 1 A. Uh-huh .

10:19:00 2 Q. About how old would you say he is?

10:19:02 3 A. Well , he came to Peerless right
10:19:04 4 out of high school .

10:19:06 5 Q. Uh-huh . Okay . And does he live
10:19:10 6 in the Dayton area ?

10:19:12 7 A. He gave me his address , but I
10:19:20 8 can't remember his exact address . No , I don't
10:19:29 9 remember his address .

10:19:30 10 Q. And Mike Dawson ?

10:19:32 11 A. Mike Dawson ?

10:19:34 12 Q. Yeah .

10:19:34 13 A. Yeah , I know Mike .

10:19:36 14 Q. He's still alive ?

10:19:38 15 A. As far as I know .

10:19:39 16 Q. Did Mike drive a truck for
10:19:41 17 Peerless ?

10:19:41 18 A. Yes .

10:19:42 19 Q. Do you know what he's doing today ?

10:19:44 20 A. No .

10:19:45 21 Q. How about Robert Stephenson ?

10:19:51 22 A. Well , we usually called him Bob
10:19:55 23 Stevens .

10:19:55 24 Q. How's it -- Bob Stephenson ?

10:19:58 25 A. Yeah .

10:19:58 1 Q. I had his name written down .

10:20:02 2 A. Well , I -- that's what we call

10:20:05 3 him , Bob , all the time .

10:20:06 4 Q. Sure .

10:20:08 5 A. But I heard he killed himself .

10:20:10 6 Q. Oh, I'm sorry to hear that . Okay .

10:20:14 7 Why don't we take about a five or ten-minute

10:20:17 8 break and I'll have just a few more questions

10:20:20 9 and then we'll see if any of the other

10:20:24 10 attorneys in the room or on the phone have

10:20:26 11 questions . All right y?

10:20:29 12 A. Thank you .

10:20:30 13 Q. You're welcome . Thank you .

10:20:33 14 (Thereupon, a break was had.)

10:28:22 15 MR. SILVER: Mr. Jordan , I don't have

10:28:24 16 any more questions for you . I want to thank you

10:28:27 17 very much . And thank you for coming . It's been a

10:28:29 18 pleasure meeting you . The other lawyers may have

10:28:33 19 a question or two. So we're going to pass the

10:28:37 20 witness .

10:28:38 21 MR. THUMANN: No questions on behalf

10:28:39 22 of Franklin Iron & Metal .

10:28:40 23 MR. SAXTON: I have no questions .

10:28:42 24 MR. SMARDA: Cox Media has no

10:28:44 25 questions .

10:28:44 1 MR. SILVER: Okay . And on the phone ,
10:28:46 2 any questions from the lawyers on the phone ?

10:28:49 3 MR. NES: No questions for Brad Nes
10:28:52 4 on behalf of P-America s .

10:28:53 5 MR. WINELAND: No questions for the
10:28:55 6 Sherwin -Williams Company .

10:28:57 7 MS. WRIGHT: No questions for
10:28:58 8 Pharmacia , LLC .

10:29:01 9 MS. SLACK: No questions for Kimberly
10:29:04 10 Clark , Corp.

10:29:08 11 MR. HAUGHEY: Hi , this is Steve
10:29:10 12 Haughey . I have -- I might have a couple of
10:29:13 13 questions for Mr. Jordan .

10:29:15 14 MR. SILVER: Steve , can you say who
10:29:16 15 you represent ?

10:29:19 16 MR. HAUGHEY: Yes , Frost Brown Todd,
10:29:21 17 representing University of Dayton , Flow serve
10:29:25 18 Corporation , Standard Register as trial counsel,
10:29:29 19 and local counsel for Coca-Cola .

10:29:35 20 MR. SILVER: Go ahead , Steve .

10:29:35 21 CROSS-EXAMINATION

10:29:36 22 BY MR. HAUGHEY:

10:29:36 23 Q. Okay . Mr. Jordan , I only have a
10:29:40 24 couple of questions . My name is Steve Haughey .
10:29:43 25 Do you remember Mr. Silver asking you some

10:29:45 1 questions about the type of waste that you
10:29:49 2 would have hauled when you were driving a dump
10:29:53 3 truck for Franklin Iron & Metal . Do you
10:29:55 4 remember those questions ?

10:29:56 5 A. Yes , I do .

10:29:58 6 Q. Okay . Do you remember if Franklin
10:30:04 7 Iron & Metal ever sent any hot metal or hot
10:30:11 8 slag waste to a dump site in a truck that you
10:30:16 9 drove ?

10:30:16 10 A. Not to my knowledge .

10:30:18 11 Q. Okay . Thank you . That's all that
10:30:21 12 I have .

10:30:21 13 A. Uh-huh .

10:30:22 14 MR. SILVER: I believe we're done .

10:30:24 15 THE WITNESS: I believe we're done ,
10:30:25 16 huh ?

10:30:26 17 MR. SILVER: Yeah . Thank you for
10:30:28 18 coming .

10:30:29 19 MR. HAUGHEY: Yeah . Thank you .

10:30:30 20 MR. SILVER: All right y. We're going
10:30:31 21 to sign off everyone .

10:30:31 22 (Thereupon, an off-the-record
10:30:31 23 discussion was had.)

10:30:34 24 (Thereupon, signature was waived.)

10:30:34 25 (Thereupon, the deposition was

10:30:34 1 concluded at 10:30 a.m.)

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF OHIO)

2 COUNTY OF MONTGOMERY) SS: CERTIFICATE

3 I, Michelle A. Elam, a Notary

4 Public within and for the State of Ohio, duly
5 commissioned and qualified,

6 DO HEREBY CERTIFY that the
7 above-named HENRY JORDAN, was by me first duly
8 sworn to testify the truth, the whole truth and
9 nothing but the truth.

10 Said testimony was reduced to
11 writing by me stenographically in the presence
12 of the witness and thereafter reduced to
13 typewriting.

14 I FURTHER CERTIFY that I am not a
15 relative or Attorney of either party, in any
16 manner interested in the event of this action,
17 nor am I, or the court reporting firm with which
18 I am affiliated, under a contract as defined in
19 Civil Rule 28(D).

20

21

22

23

24

25

25